

MINUTES OF THE  
REGULAR MEETING  
OF THE LAND USE BOARD  
FEBRUARY 7, 2017

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THE REGULAR MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON FEBRUARY 7, 2017, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

CHAIRMAN GEORGE KELMAN PRESIDED

Chairman Kelman called the Regular Meeting to order at 6:30 p.m., and the Acting Secretary announced that proper notice had been given by the posting of the Regular Meeting notice and by transmitting the notice of the meeting to the Courier News and the Star Ledger.

SALUTE TO THE FLAG

Everyone present participated in the Salute to the Flag.

**ROLL CALL :**

CHAIRMAN GEORGE KELMAN, Present  
VICE-CHAIRMAN, TED CAMACHO, Present  
JOE BARILLA, Present  
COUNCILWOMAN DAYNA CAMACHO, Present  
KURT KAGAN, Absent  
RUDY NOWAK, Present  
MAYOR RICHARD M. ONDERKO, Present  
JIM POWERS, Present  
DONALD QUICK, Absent  
BRANDON AGANS, Alt. #1, Present  
STEVE RODZINAK, Alt. #2, Absent  
MICHAEL KASSICK, Alt. #4, Present  
CHRISTOPHER M. CORSINI, ESQ., BOARD ATTORNEY, Present  
STAN SCHREK, BOROUGH ENGINEER, Present

**APPROVAL OF MINUTES**

Chairman Kelman requested approval of the minutes of the Regular Meeting of January 10, 2017.

All present were in favor.

## APPLICATION

A/ Application #PB-17-02 - 1419 West Camplain, LLC  
Use Variance  
Block 122, Lot 9, 1419 West Camplain Road

Chairman Kelman requested that the applicant come forward to present the application.

Attorney Corsini requested that the Mayor and Councilwoman Camacho step down for the Use Variance Application.

Edward Gorney, Esq. appeared on behalf of the Applicant 1419 West Camplain, LLC.

Attorney Gorney explained the application for a variance for a two-family dwelling in a single-family zone.

Mariusz J. Grabowski, the owner the property, was sworn in by Attorney Corsini.

When it was determined that this was not a use variance, the Mayor and Councilwoman Camacho were asked to return to the Board.

Steve Parker, P.E., was sworn in as Engineer for the Applicant.

Stan Schrek noted that the plans were prepared by Chris Melick, who worked for his firm, however, since Mr. Parker was testifying, it would not be a conflict.

Mr. Parker testified that the property is located in an S-80 zone, however, the property was used as a two-family. He stated that it would require three additional parking spaces.

Chairman Kelman stated that it is in the S-80 zone, and asked the applicant how many multi-family homes were in the area. The applicant did not know.

Rudy Nowak stated that the property is only a 40 x 100 lot.

Stan Schrek had questions regarding existing conditions on the plans.

Jim Powers asked the Applicant if he purchased the property as a two-family.

Mr. Grabowski stated that he confirmed it was a two-family through permits.

Chairman Kelman opened the public portion for questions to the witness.

Lisa Payne, 609 Brooks Boulevard - asked Mr. Grabowski if he spoke to the Tax Assessor.

Dean Shepard, P.O. Box 222 - had questions regarding the type of variance, voting procedures, and parking

Attorney Corsini addressed his questions.

When no one else wished to question the witness, Chairman Kelman closed the public portion.

Mr. Grabowski gave some history of the property and stated that he checked for permits, but he did not meet with the Assessor.

Attorney Gorney presented photos marked as Exhibit A, which were explained by Mr. Grabowski.

Mr. Grabowski stated that he did a survey of the neighborhood.

Attorney Gorney presented copies of permits for the property, which were submitted as Exhibits B 1-12, as each was marked individually. He also presented the sewer bills, noting that they have been billed as a two-family, which was marked Exhibit C, and a taxes paid statement.

Mr. Gorney presented plans from 2006 that depicted a two-family dwelling, which was marked as Exhibit D-1; property record card marked as E-1; 1995 listing for the property as a two-family, marked as F-1; and two additional documents on maintenance of the property. He also presented Exhibit H-1 which was a property record card from 1985 which listed the property as a two-family.

Mr. Gorney also produced a letter from the neighbors regarding tree removal, which was marked as Exhibit I-1.

Chairman Kelman opened the public portion for questions to the Applicant, Mr. Grabowski.

Donald Daum, 1415 West Camplain Road - stated that the garage was used for a boat and not cars.

Paul Lipot, 214 South 15<sup>th</sup> Avenue - questioned the amount of bedrooms in the dwelling.

Mr. Grabowski stated there were 3 downstairs and 2 upstairs.

Dean Shepard, P.O. Box 222 - mentioned his concerns over the number of rooms on each floor and parking.

Michelle Magnani, 214 South 19<sup>th</sup> Avenue - asked Mr. Grabowski if he has owned a two-family before.

When no one else had questions for Mr. Grabowski, Chairman Kelman closed the public portion.

Chairman Kelman opened the public portion for general comments on the application.

Donald Daum, 1415 West Camplain Road - stated his concerns with parking and traffic.

Paul Lipot, 214 South 15<sup>th</sup> Avenue - stated his concerns regarding parking.

When no one else from the audience wished to comment, Chairman Kelman closed the public portion.

Attorney Gorney made a closing statement.

Chairman Kelman asked Mr. Gorney the standard to be applied.

Mr. Gorney stated the standard was Section 511 of the Ordinance book.

Chairman Kelman requested a motion to approve or deny the application.

Brandon Agans, seconded by Rudy Nowak, made a motion to deny the application.

Roll Call is on motion to deny:

ROLL CALL:           AYES: BARILLA, CAMACHO, D., CAMACHO, T.,  
  NOWAK, POWERS, AGANS, KASSICK  
                          NAYES:       KELMAN  
                          ABSTAIN:   ONDERKO  
                          ABSENT:     KAGAN, QUICK, RODZINAK

At this time, Chairman Kelman requested a five-minute recess.

The meeting was recessed for five minutes at 8:15 p.m.

Chairman Kelman called the meeting back to order at 8:20 p.m.

B/     Application #PB-17-03  
       SBA 2012 TC Assets, LLC  
       Block 37, Lots 10-12; 41-43, 247 North Main Street  
       Bulk Variance; Amended Site Plan

Chairman Kelman requested that the Applicant come forward to present their application.

Eric Goldberg, Esq., Attorney for the Applicant explained that his client was seeking an amended site plan variance.

Attorney Corsini swore in the witnesses.

Peter J. Tardy, P.E., Engineer for the Applicant, explained that his client, SBA, wishes to move the cell tower cabinets to the ground. He presented Exhibit A-1, Amended Site Plan. He stated this is a simple relocation, and the Applicant will construct an eight-foot high fence to enclose the cabinets. He stated that the site would be checked every 4-6 weeks by an employee.

Jim Powers asked if Verizon would come in if the equipment was moved.

Rudy Nowak asked if this would be two separate properties and stated he is concerned about parking.

Mr. Goldberg stated that no parking is being taken away by moving the cabinets to the ground.

Mr. Tardy stated that the equipment needs to be moved, since the building is structurally not sound.

Stan Schrek asked Mr. Tardy the allowable load.

Mr. Tardy did not know.

Councilwoman Camacho asked the size of the cabinets.

Mr. Tardy stated it was 8 inches by 15 feet, and 36 feet would be lost.

Mayor Onderko asked if the property is in a flood zone.

Mr. Tardy stated it is not.

Mayor Onderko asked the value of the equipment.

Mr. Tardy stated it was approximately \$100,000 for each cabinet.

Joe Barilla also had questions regarding the equipment.

Mr. Tardy stated that there is room for Verizon.

Chairman Kelman opened the public portion for questions of Mr. Tardy.

Dean Shepard, P.O. Box 222 - questioned the square footage of the building.

Mr. Tardy stated it was 50 x 150 or 9,000 square feet.

Mr. Shepard had additional questions regarding parking.

Chairman Kelman closed the public portion on questions to Mr. Tardy, and asked if anyone in the public had general questions or comments regarding the application.

When no one else wished to comment, Chairman Kelman closed the public portion.

Mr. Goldberg stated that he would like to continue this matter on the March Agenda.

Attorney Corsini granted Mr. Goldberg's request to continue the matter on March 7<sup>th</sup> at 6:30 p.m.

Mark Manville, LLC  
Block 82, Lot 42.01, 1 North Main Street  
Preliminary Major Site Plan, Final Site Plan, Use Variance,  
Bulk Variance, Conditional Use Approval

Chairman Kelman requested that the Applicant come forward to present their application, however, he stated that it was 9:00 p.m. and the Board would only accept testimony until 10:00 p.m.

John P. Wyciskala, Esq., Attorney for the Applicant Mark Manville, LLC., noted that the property in question is located at Block 82, Lot 42.01, 1 North Main Street. He gave a brief history of the property, and stated that the Royal Farms Stores have been in business since 1959. He stated that there are 4,200 stores and 12 fuel set-ups.

Attorney Corsini noted at this point that Mayor Onderko and Councilwoman Camacho have stepped down from the dais.

Mike Jeitner, P.E. of Bohler Engineering - gave his curriculum vitae. He presented Exhibit A-1, which is the site photo. The site plan was submitted as Exhibit A-2. He noted that the site plan shows the store and canopy with six stations and twelve fuel pumps. He stated that stormwater management will be used. He also testified that he has received and reviewed the letters from Somerset County and the Borough Engineer, Stan Schrek. He presented Exhibit A-3, which is a site plan that has been revised in accordance with the comments made by Somerset County. He stated that underground storage tanks will be in accordance with NJDEP regulations. He presented Exhibit A-4, which was a photo of Royal Farms.

Stan Schrek asked about the setback for the dumpster.

Mr. Jeitner stated that fuel deliveries would be three times per week, and would last approximately 25-30 minutes during off-peak hours. He stated that deliveries are front-loaded through the front door.

A discussion was held regarding signs.

Chairman Kelman had questions regarding the Somerset County letter and the Police Department memo.

Mr. Jeitner stated that they will work with the Police Department.

Jim Powers asked about the exiting of the fuel truck, and Chairman Kelman asked about the size of the parking spaces.

Chairman Kelman opened the public portion for questions to Mr. Jeitner.

John Gluch, 710 South Main Street - had questions regarding diesel fuel and Adesa car carriers.

Mr. Wyciskala stated that carriers should not use the facility.

Mr. Gluch requested information regarding setbacks and safety issues with children walking to school and the church which is within 1,500 feet.

Mr. Jeitner stated that some changes are being done.

Maureen Taylor, 260 North 6<sup>th</sup> Avenue - had questions regarding the sale of fuel and other items contained in the report.

Ryan Ramsey, 710 South Main Street - questioned fuel caps and the weight of tanker trucks.

Dean Shepard, P.O. Box 222 - had questions regarding deliveries.

Mr. Jeitner stated that deliveries will be made with box trucks.

When no one else had further questions for Mr. Jeitner, Chairman Kelman closed the public portion.

Rudy Novak asked if there were any Royal Farms facilities currently in New Jersey.

Mr. Wyciskala stated there is one in Belmar.

At 10:12 p.m., it was determined that the application would be carried to the March 7<sup>th</sup> meeting.

When no one else wished to comment, Chairman Kelman requested a motion to adjourn the meeting.

Rudy Nowak, seconded by Brandon Agans, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 10:12 p.m.

ATTEST:



Patricia A. Zamorski, Acting Secretary